

REGULATION No. VII OF 1899.

(PASSED ON THE 22ND DAY OF DECEMBER 1899.)

*A Regulation to amend in certain respects the
Municipal Regulations of 1871.*

Preamble.

Whereas it is expedient to amend in certain respects the Municipal Regulations of 1871 as in force in the Cities of Bangalore and Mysore; Her Highness the Maharani-Regent is pleased to enact as follows :—

Insertion of
sections 62A to
62G.

Power to levy
octroi.

1. After section 62 of the said Municipal Regulations, the following sections shall be inserted, namely :—

“ 62A. The Municipal Commissioners may, with the approval of the Government, and for the purposes of these Regulations, levy an octroi on animals or goods or both brought within the octroi limits of the Municipality for consumption or use therein, at such rates as may, from time to time, be approved by the Government.

Power to
examine and
search for
article liable
to octroi.

“ 62B. (1) Every person bringing or receiving within the octroi limits of the Municipality any article liable to octroi shall, when required by an officer authorized by the Municipal Commissioners in this behalf, and so far as may be necessary for ascertaining the amount of tax chargeable,—

(a) permit that officer to inspect, examine, weigh and otherwise deal with the article; and

(b) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article.

(2) If any person bringing or receiving any conveyance or package within the octroi limits of the Municipality refuses, on the demand of an officer authorized by the Municipal Commissioners in this behalf, to permit such officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any article liable to octroi, such officer may cause the conveyance or package to be taken without unnecessary delay before any Magistrate or Municipal Commissioner, who shall cause the inspection to be made in his presence.

Presentation
of bill for
octroi.

“ 62C. Every officer demanding octroi by the authority of the Municipal Commissioners shall tender to every person introducing or receiving any article on which the tax is claimed, a bill specifying the article taxable, the amount claimed and the rate at which the tax is calculated.

Section 1.

“62D. (1) In case of non-payment of any octroi on demand, the officer empowered to collect the same may seize any article on which the octroi is payable. Recovery of octroi.

(2) The Municipal Commissioners may cause any article so seized, or so much thereof as may be necessary, to be sold by auction to satisfy the demand with the expenses occasioned by the seizure, custody and sale thereof, (unless the demand and expenses are in the meantime paid,) after the lapse of five days from the seizure, and after the issue of a proclamation fixing the time and place of sale :

Provided that, by order of the President, articles of a perishable nature, which could not be kept for five days without serious risk of damage, may be sold after the lapse of such shorter time as he may, having regard to the nature of the articles, think proper.

“62E. If goods passing within the octroi limits of the Municipality are liable to the payment of octroi, then every person who, with the intention to defraud the Municipal Commissioners, causes or abets the introduction of, or himself introduces or attempts to introduce, within the said octroi limits, any such goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall be punishable with fine which may extend either to ten times the value of such octroi or to fifty rupees, whichever may be greater. Penalty for evasion of payment of octroi.

“62F. (1) The Municipal Commissioners may, with the sanction of the Government, which shall be notified, require any person selling any article liable to octroi to obtain from the Municipal Commissioners a license for that purpose, and to pay therefor such fees as shall, from time to time, with the approval of the Government, be fixed in that behalf. License for sale of article liable to octroi.

(2) After notification of such sanction,—

(i) any person selling or keeping for sale any such article without a license, or having in his possession any such article on which octroi has not been paid, shall be liable, on conviction before a Magistrate, to a fine not exceeding rupees one hundred, and to confiscation of all such articles in his possession ; and

(ii) any officer of the Municipal Commissioners authorized by the Municipal Commissioners in this behalf, if he has reason to believe that any such article on which octroi has not been paid, is kept or concealed in any premises, may, after obtaining the warrant of a Magistrate, enter and search at any time such premises, and, if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same :

Section 2.

Provided that any article or person so seized or arrested shall be produced before a Magistrate exercising jurisdiction within the Municipality within twenty-four hours from the time of such seizure or arrest :

Provided also that nothing in this section shall apply to any such articles not exceeding rupees two hundred in value purchased by any person for his private use or sold by auction consequent on the owner dying or quitting the station :

(iii) the provisions of the Code of Criminal Procedure shall, so far as may be, apply to all searches and arrests effected under this section.

(3) The Government may by notification at any time revoke the sanction given by it under sub-section (1), and thereupon a license for the sale of such article as aforesaid shall not be necessary, and the other provisions of this section shall in respect of such article cease to have any effect.

Power to
make bye
laws in regard
to the collec-
tion of octroi.

“ 62G. (1) Where the collection of an octroi has been sanctioned, the Municipal Commissioners may, by bye-law,—

(a) fix octroi limits for the purpose of collecting the octroi, the routes by which articles liable to octroi shall be brought within those limits, and the octroi posts at which they shall be liable to inspection, examination and weighment under section 62B, sub-section (1), clause (a); and

(b) regulate the exhibition of tables of octroi, the system under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid are again exported, and the custody or storage of animals or goods declared not to be intended for use or consumption within the Municipality.

(2) Bye-laws under clause (b) may, among other matters, provide a period of limitation after which no claim for refund of octroi shall be entertained, and also that no such refund shall be made when the amount thereof would be less than one rupee.

(3) All bye-laws under this section shall be subject to the same provisions as bye-laws made under section 225 of these Regulations.”

Substitution
of new sec-
tions for
sections 92
and 93.

2. For sections 92 and 93 of the said Municipal Regulations, the following sections shall be substituted, namely :—

Section 2

" 92. Whenever the Government may be of opinion that the construction of any work of a permanent nature is necessary for the health, safety or convenience of the inhabitants, that the Commissioners are unable to undertake such work from funds at their disposal, and that it is undesirable to sanction the borrowing of the sum of money required for such work in the manner prescribed in section 91, the Government may carry out such work at its own expense, and may either retain in its own hands the management and maintenance of such work or entrust the same, in whole or in part, to the Commissioners. The Government may at any time resume into its own hands the management and maintenance entrusted in whole or in part to the Commissioners under this section. The Government may from time to time, by notification in the official Gazette, prescribe Rules for the proper management and maintenance of any work constructed under this section. Such Rules shall have the force of law.

Execution by Government of works of a permanent nature.

" 93. (1) When any work of the nature described in section 92 has been carried out by the Government, the Government shall have the power to recover the capital cost of such work and the cost, if any, of its management and maintenance by the Government, with such rate of interest and upon such terms as to time and mode of repayment as the Government may, from time to time, direct. The recovery as above shall be made from the rates, taxes or dues imposed or levied on account of the Municipal Fund under these Regulations or any other law for the time being in force in that behalf or from a specified portion of the same as the Government may, from time to time, direct. The directions of the Government under this section shall be published in the official Gazette, and upon such publication shall have the force of law and be binding upon the Commissioners.

Recovery of cost of such works.

(2) Whenever default is made in the payment of any sum of money payable to the Government under this section, the Government may appoint a special officer for the collection, during a specified period, of such portion as the Government may direct, of the rates, taxes or dues imposed or levied on account of the Municipal Fund under these Regulations or any other law for the time being in force in that behalf. The special officer appointed as above shall, for the purpose of the collections he is directed to make, have all the powers vested in the Commissioners under these Regulations, and the Commissioners shall not exercise any powers conflicting with the powers as above of the special officer. All collections actually made by the special officer appointed as

Section 3.

above, after deduction of the cost thereof, shall be applied towards the payments to the Government which may be in arrear or as they may fall due from time to time. The Government may, from time to time vary the period for which a special officer is appointed as above, or the portion of rates, taxes and dues he is directed to collect for the purpose of this section.

Retrospective application to the Bangalore and Mysore water-works.

“93 A. The provisions of sections 92 and 93 shall be deemed to apply in respect of the works heretofore carried out at the expense of Government for the supply of water to the Cities of Bangalore and Mysore, as if the said works had been constructed after Regulation VII of 1899 came into force.”

Substitution of new sections for sections 196 to 210.

3. For sections 196 to 210 of the said Municipal Regulations, the following sections shall be substituted, namely :—

Assessment of lighting rate.

“196. It shall be lawful for the Municipal Commissioners to assess upon the occupiers of all buildings, tenements and premises within the limits of these Regulations, an annual lighting rate not exceeding one per centum upon the annual value thereof.

Supply of water.

“197. The Municipal Commissioners may cause to be laid down in each street, lane and thoroughfare of the Municipality, or in any division or portion thereof, mains, pipes and stand-pipes for the supply of water for the domestic use of the inhabitants. The said stand-pipes shall be placed at such intervals as may be prescribed by the Government for particular localities.

Notification of supply being complete.

“198. When the Municipal Commissioners shall have carried out a system for the supply of water to the Municipality as aforesaid, or to any division or portion thereof, including such mains, pipes and stand-pipes as aforesaid, and such system shall, in the judgment of the Municipal Commissioners, be complete, the Commissioners shall, with the sanction of the Government, declare, by notification published in the *Mysore Gazette*, that the supply is complete, within the Municipality or any such division or portion thereof.

Water-rate may be assessed.

“199. After it has been so notified as aforesaid that the water-supply in any district has been completed, it shall be lawful for the Municipal Commissioners to assess a rate upon all occupied buildings and premises within such district. The said rate shall be such as may, from time to time, be approved by Government; but shall not exceed the amount required for the annual maintenance of the said water-works and for the repayment with interest of the capital outlay thereon in such number of years as may be fixed by Government.

Section 3.

"200. Every house-holder assessed to, and paying the water-rate, shall be entitled to have, free of further charge or assessment in respect of the same, a supply of water for the domestic use of himself and his house-hold.

House-holder entitled to supply of water for domestic use.

"201. (1) Subject to such rules and restrictions as may be prescribed by the Government from time to time in this behalf, communication pipes may be permitted from the mains and pipes of the Municipal Commissioners for bringing a proper and sufficient supply of water for the domestic purposes of any rate-payer. The communication pipes leading the water from the mains and pipes of the Municipal Commissioners, into the house of any rate-payer, and the pipes and works within the house connected therewith, shall be of such character, dimensions and material, as the Commissioners, or their proper officer in their behalf, shall fix and approve, and shall be made and constructed at the expense of the person requiring the same.

Communication pipes, etc., to be made of required dimensions and at expense of house-holder.

(2) The quantity of water allowed to be drawn from the communication pipes free of charge by any rate-payer under this section shall bear a fixed proportion, to be determined by the Municipal Commissioners with the approval of Government, to the amount of water-rate leviable from him under section 199; and for any water in excess of such quantity drawn by such rate-payer a charge shall be levied at rates to be prescribed by the Municipal Commissioners with like approval.

Limitation of supply through house communication pipes.

"202. A supply of water for domestic purposes shall not include a supply of water for draught animals, or for washing carriages where such draught animals or carriages are kept for sale or hire, or a supply for watering roads or gardens, or for any trade, manufacture, or business, or for fountains, or for any ornamental or mechanical purpose.

are What domestic purposes.

"203. It shall be lawful for the Municipal Commissioners, with the previous sanction of Government, to supply water, at such rate and on such terms as may appear reasonable, for other than domestic purposes, and for trade, roads, or gardens, manufacturing, business, ornamental or mechanical purposes; provided that the person requiring such supply make application to the Municipal Commissioners in writing, specifying the purpose for which such supply is required, and the quantity likely to be consumed. And the Municipal Commissioners may thereupon lay down, or allow to be laid down, the necessary communication pipes and works, of such dimensions and character as may be agreed upon between the Commissioners and person requiring such supply. Provided, however, that such supply shall be liable to be stopped

Supply for business.

Section 3.

without giving rise to any claim for compensation, whenever the Commissioners may be of opinion that it would interfere with the proper supply of water for domestic purposes.

Communication pipes, etc., must be made to satisfaction of surveyor.

“204. The communication pipes and works leading water from the mains and pipes of the Municipal Commissioners into any building or premises, must in all cases be executed subject to the inspection and to the satisfaction of the surveyor or other officer to be appointed in that behalf by the Commissioners. Such communication pipes and works may be made by the servants and workmen of the Municipal Commissioners, upon such terms as may be agreed upon between the Commissioners and the person requiring the supply, or subject to such charges as may be fixed by the Commissioners; and it shall be lawful for the Commissioners to require the amount necessary for the execution of such works to be paid or deposited before such works are executed, and such charges and expenses shall be recoverable in the same way as the water-rate.

Sufficient supply of pure water to be kept.

“205. The Municipal Commissioners shall at all times keep and maintain in their pipes and mains a sufficient supply of pure water for the use of the rate-payers, and for the other purposes for which supply is required; and shall at all times, between the hours of five in the forenoon and eight in the afternoon, maintain a pressure of water in the pipes and mains sufficient to raise the water in all buildings and places in which the same may be introduced.

Water may be cut off on waste or misuse.

“206. If any person supplied with water shall waste or misuse the water supplied to him, the Municipal Commissioners may stop the water from flowing into the premises in which such waste or misuse has occurred, by cutting off the pipe to such premises, or by such means as the Commissioners may think fit, and may recover the expenses of cutting off the water from such person.

Damaging works or obstructing or diverting water.

“207. Whoever shall wilfully or carelessly break, injure, or open any lock, cock, main or pipe, belonging to, or under the management or control of, the Municipal Commissioners, or constructed, or continued or maintained under these Regulations, or shall unlawfully flush, draw off, divert, or take water from any water-works belonging to the Municipal Commissioners or under their management or control, or from any water or streams by which such water-works are supplied, shall, for every such offence, forfeit a sum not exceeding fifty rupees, and a further penalty not exceeding twenty rupees for each day during which the offence is continued after written notice in that behalf.

Section 3.

"208. All rates and moneys collected, received or recovered for or in respect of the supply of water, or the execution of works, and all penalties or forfeitures connected therewith, or in any respect relating to the water-supply, shall be applied by the Municipal Commissioners in defraying the expense of making and maintaining the said water-works, in paying the interest of money borrowed for the said water-works, and in the liquidation of debts incurred connected therewith or for some other purpose connected with the supply of water; and if any surplus should remain thereafter, then the same shall be applied in reduction of the rates assessed for the supply of water.

Application of rates and moneys received from the supply of water.

"208A. The provisions of sections 197 to 208 shall apply *mutatis mutandis* to the water-works constructed, maintained or managed by the Government and to the Water Supply Department under the Government.

Application of provisions to water-works constructed by Government.

"209. Wherever any building or tenement is divided into flats, rooms, or portions in the occupation of different tenants, and also in the case of all buildings or tenements the annual value whereof is less than one hundred rupees, it shall be lawful for the Municipal Commissioners to assess the owner or landlord of such building or tenement, although he does not himself occupy the same, and recover from him the rates imposed thereon for lighting and water, respectively.

Assessment may be on owner in certain cases.

"210. The rates for lighting and water-supply shall be ascertained, fixed and collected in the manner, and shall be payable at the times, provided by sections 63 to 90 of these Regulations, both inclusive."

Rates for lighting and water-supply.
